

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v.*


*Arn*, 474 U.S. 140, 149-50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Plaintiff has not objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the memorandum and recommendation is ADOPTED as amended below.

#### CONCLUSION

The memorandum and recommendation of Magistrate Judge Swank is ADOPTED. Plaintiff’s motion to proceed *in forma pauperis* [DE 1] is DENIED WITHOUT PREJUDICE. Plaintiff shall either remit the full filing fee or file a completed application to proceed *in forma pauperis* not later than October 19, 2018. Failure to comply with this order will result in this action being closed.

SO ORDERED, this 26 day of September, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE